



CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8(a)

I, Leslie Lindsay, hereby certify that this correspondence and attached documents are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231,

On: 8.2.01
By: Leslie Lindsay

#13
A.G.J.
8/10/01

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

AMENDMENT

Applicant(s): Arnold E. Ruoho et al. Docket No.: 96429/9079 US
Serial No.: 09/389,835 Group Art Unit: 1646
Filed: September 3, 1999 Examiner: M. Brannock
For: BACTERIORHODOPSIN/G PROTEIN-COUPLED RECEPTOR CHIMERAS

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Response is made to the Office Action mailed July 3, 2001.

In the Action, the Examiner set forth a requirement for restriction of the application under 35 U.S.C. §121. The Examiner held that the application contains two groups of claims drawn to two different inventions: Group I (claims 1-12), drawn to a bacteriorhodopsin/G-protein-coupled receptor protein chimera and methods of producing the chimera; and Group II (claims 13 and 14), drawn to methods of screening for molecules interacting with a G-protein-coupled receptor protein.

Applicants provisionally elect Group I claims with traverse. Applicants respectfully submit that the restriction requirement is improper, and request reconsideration of the restriction requirement.

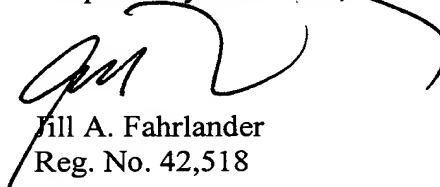
A proper requirement for restriction requires that: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the

Examiner if restriction is not required (MPEP §803). Applicants respectfully traverse the restriction requirement because there would be no serious burden on the Examiner if restriction were not required.

Applicants note that claim 13 recites a method of testing a molecule using a chimeric fusion protein having all of the limitations of the chimeric protein of claim 1. Therefore, a search of claim 1 would identify art relevant to the patentability of claims 13 and 14.

Applicants respectfully request withdrawal of the restriction requirement or, in the alternative, consideration of elected claims 1-12 (Group I) on the merits. No fee is believed due in connection with this submission, however, if a fee is owing, please charge such fee to deposit account no. 50-0842.

Respectfully submitted,



Jill A. Fahrlander
Reg. No. 42,518

Docket No.: 096429-9079
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501

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Serial No.: 09/389,835 **Group Art Unit:** 1646
Filed: September 3, 1999 **Examiner:** M. Brannock
For: BACTERIORHODOPSIN/G PROTEIN-COUPLED RECEPTOR CHIMERAS

Assistant Commissioner for Patents
 Washington, DC 20231

Sir:

Herewith is a Response to Restriction Requirement in the above-identified application in response to the Office Action of July 3, 2001. This Response is timely filed on August 2, 2001.

- ☒ Small entity status under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status is enclosed.

FEE CALCULATION, CLAIMS AS AMENDED:

<u>Fee</u>	<u>Claims Remaining</u> <u>After</u> <u>Amendment</u>	<u>Highest Number</u> <u>Previously</u> <u>Paid For</u>	<u>Present Extra</u>	<u>Additional</u>
Total Effective Claims	14	- 20 = 0	x \$	= \$
Independent Claims	5	- 5 = 0	x \$	= \$
If amendment enters proper multiple dependent claim(s) into this application for first time (per application)			\$	\$
			Subt tal	\$

☐ PETITION AND FEE FOR EXTENSION OF TIME (37 CFR 1.136(a))

Pursuant to 37 CFR 1.136(a), Applicant(s) petition(s) the Commissioner of Patents and Trademarks to extend the time for response to the Office Action dated September 30, 1999 for N/A month(s) from _____ to _____. The fee is indicated below.

Extension Fee Calculation

<input type="checkbox"/>	Response filed within first month after due date	+ \$110.00	\$
<input type="checkbox"/>	Response filed within second month after due date	+ \$380.00	\$
<input type="checkbox"/>	Response filed within third month after due date	+ \$870.00	\$
<input type="checkbox"/>	Response filed within fourth month after due date	+ \$1360.00	\$
	Subtotal		\$

If one of the "small entity" boxes above is checked, enter half (1/2) of the second subtotal and subtract.

- \$

TOTAL ADDITIONAL FEE ENCLOSED: \$

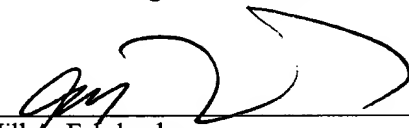
☐ A check in the amount of \$.

☐ Refund any overpayment.

☐ Please charge Deposit Account No. 50-0842 in the amount of \$.
A duplicate copy of this sheet is attached.

☒ **Authorization to Charge Additional Fees.** The Commissioner is hereby authorized to charge any other fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 CFR 1.16-1.18 (deficiency only) now or hereafter relative to this Application and the resulting Official document under 37 CFR 1.20, or credit any overpayment to Account No. 50-0842 for which purpose a duplicate copy of this sheet is attached. **This statement does NOT authorize charge of the issue fee.**

Date: August 2, 2001

By: 
Jill A. Fahrlander
Reg. No. 42,518

MICHAEL BEST & FRIEDRICH LLP
One South Pinckney Street, Suite 700
P. O. Box 1806
Madison, Wisconsin 53701-1806
(608) 257-3501

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